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 District of Hawaii

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 UNITED STATES OF AMERICA

FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

OCT 29 2003

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 WALTER A.Y.H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,) CR. NO. <u>CR 03-00523 SOM</u>
)
Plaintiff,) INDICTMENT
) [21 U.S.C. §§ 846, 843(b) and
vs.) 841(a)(1)]
)
JOSE M. MEJIA,	(01),)
aka "Flaco,")
aka "Don Jose,")
ERIC R. MEJIA,	(02),)
JOSE PRIETO,	(03),)
EDUARDO PERALTA,	(04),)
VINCENT GILBERT,	(05),)
)
Defendants.)
)

INDICTMENT

COUNT 1

The Grand Jury charges that:

From a date unknown but from at least on or about May 1, 2003 or about October 26, 2003 in the District of Hawaii and

elsewhere, Defendants, JOSE M. MEJIA, aka "Flaco," aka "Don Jose," ERIC R. MEJIA, JOSE PRIETO, EDUARDO PERALTA and VINCENT GILBERT did conspire together with each other, and with other persons both known and unknown to the Grand Jury, to commit offenses against the United States, that is, to knowingly and intentionally distribute and possess with intent to distribute 50 grams or more of methamphetamine, its salts, isomers and salts of its isomers, a Schedule II controlled substance and to distribute and possess with intent to distribute a quantity of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

OVERT ACTS

In furtherance of the conspiracy and to effect the objectives thereof, the co-conspirators performed the following overt acts, among others in the District of Hawaii and elsewhere:

1. On or about June 6, 2003, Defendant JOSE M. MEJIA, aka "Flaco," aka "Don Jose" did knowingly and intentionally distribute a quantity of methamphetamine, a Schedule II controlled substance.

2. On or about June 9, 2003, Defendant JOSE PRIETO did knowingly and intentionally possess with intent to distribute a quantity of methamphetamine, a Schedule II controlled substance.

3. On or about July 3, 2003, Defendant JOSE M. MEJIA, aka "Flaco," aka "Don Jose" spoke on the telephone with Defendant ERIC R. MEJIA concerning the distribution of a quantity of methamphetamine, a Schedule II controlled substance.

4. On or about July 3, 2003, Defendants JOSE M. MEJIA, aka "Flaco," aka "Don Jose" and ERIC R. MEJIA did knowingly and intentionally distribute a quantity of methamphetamine, a Schedule II controlled substance.

5. On or about July 10, 2003, Defendants ERIC R. MEJIA and EDUARDO PERALTA spoke on the telephone concerning the distribution of a quantity of methamphetamine and a quantity of cocaine, Schedule II controlled substances.

6. On or about July 10, 2003, Defendants EDUARDO PERALTA and VINCENT GILBERT possessed with intent to distribute a quantity of methamphetamine and a quantity of cocaine, Schedule II controlled substances.

7. On or about October 25, 2003, Defendant JOSE PRIETO possessed approximately eleven (11) ounces of methamphetamine, a Scheduled II controlled substance, with intent to distribute.

8. On or about October 25, 2003, Defendant JOSE PRIETO stored approximately \$24,380 in United States currency in a residence in Waikoloa, Hawaii.

9. On or about October 26, 2003, Defendants JOSE M. MEJIA, aka "Flaco," aka "Don Jose" and ERIC R. MEJIA stored

approximately \$5,000 in United States currency and an electronic scale in a residence in Kailua-Kona, Hawaii.

All in violation of Title 21, United States Code, Section 846.

COUNT 2

The grand jury further charges that:

On or about June 6, 2003, in the District of Hawaii, Defendant JOSE M. MEJIA, aka "Flaco," aka "Don Jose" did knowingly and intentionally distribute five grams or more of methamphetamine, its salts, isomers and salts of its isomers five grams, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT 3

The grand jury further charges that:

On or about June 9, 2003, in the District of Hawaii, Defendant JOSE PRIETO did knowingly and intentionally possess with intent to distribute a quantity of methamphetamine, its salts, isomers and salts of its isomers, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT 4

The grand jury further charges that:

On or about July 3, 2003, in the District of Hawaii, Defendant JOSE M. MEJIA, aka "Flaco," aka "Don Jose" and Defendant ERIC R. MEJIA did knowingly and intentionally use and cause to be used a communication facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute and to possess with intent to distribute a quantity of methamphetamine, its salts, isomers and salts of its isomers, a Schedule II controlled substance, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21 United States Code, Section 843(b).

COUNT 5

The grand jury further charges that:

On or about July 3, 2003, in the District of Hawaii, Defendants JOSE M. MEJIA, aka "Flaco," aka "Don Jose" and ERIC R. MEJIA did knowingly and intentionally distribute five grams or more of methamphetamine, its salts, isomers and salts of its isomers, a Schedule II controlled substance.

All in violation of Title 21 United States Code, Sections 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 6

The grand jury further charges that:

On or about July 10, 2003, in the District of Hawaii, Defendants ERIC R. MEJIA and EDUARDO PERALTA did knowingly use and cause to be used, a communication facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute and to possess with intent to distribute a quantity of methamphetamine, its salts, isomers and salts of its isomers and a quantity of cocaine, Schedule II controlled substances, a felony under Title 21, United States Code, Section 846.

All in violation of Title 21 United States Code, Section 843(b).

COUNT 7

The grand jury further charges that:

On or about July 10, 2003, in the District of Hawaii, Defendants EDUARDO PERALTA and VINCENT GILBERT did knowingly and intentionally possess with intent to distribute 50 grams or more of methamphetamine, its salts, isomers and salts of its isomers and a quantity of cocaine, Schedule II controlled substances.

All in violation of Title 21, United States Code, Sections 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 8

The grand jury further charges that:

On or about October 25, 2003, in the District of Hawaii, Defendant JOSE PRIETO did knowingly and intentionally possess with intent to distribute 50 grams or more of methamphetamine, its salts, isomers and salts of its isomers, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1).

DATE: October 29, 2003, Honolulu, Hawaii.

A TRUE BILL

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FORPEPERSON, GRAND JURY

EDWARD H. KUBO, JR.
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United States v. Jose M. Mejia, et.al.

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